

NINETH AMENDMENT TO THE AGREEMENT
BETWEEN STATE OF CALIFORNIA, DEPARTMENT OF FISH AND WILDLIFE AND
EASTERN MUNICIPAL WATER DISTRICT FOR
THE SAN JACINTO WILDLIFE AREA RECLAIMED WATER SUPPLY PROJECT

This Amendment Number Nine to the Recycled Water Agreement (“Amendment”) is made and entered into this 22 day of December, 2021, by and between **EASTERN MUNICIPAL WATER DISTRICT**, a Public Agency of the State of California within the County of Riverside (“District”), and **THE STATE OF CALIFORNIA, DEPARTMENT OF FISH AND WILDLIFE**, formerly Department of Fish and Game, (“State”). District and State may sometimes be collectively referred to herein as the “Parties”.

RECITALS

WHEREAS, State and District entered into an Agreement dated August 18, 1987, for the San Jacinto Wildlife Area (SJWA) Reclaimed Water Supply Project (“Agreement”); and

WHEREAS, Section 3.F of the Agreement states that the term of the Agreement is twenty-five (25) years; and

WHEREAS, Section 3.F also provides that the State and District consider this program to be a long-term commitment, to be extended beyond the initial term of the Agreement and in good faith and consistent with their legal authority and intend to periodically extend the Agreement with such amendments as are at the time deemed necessary; and

WHEREAS, State and District seek to develop more contemporary terms and conditions applicable to State’s recycled water use consistent with the Land Management Plan for the SJWA, which are more reflective of current operational requirements; and

WHEREAS, an eighth amendment was entered into on June 25, 2021, to extend the term of the Agreement until December 31, 2021; and

WHEREAS, parties have been negotiating the terms of the second long-term agreement, which negotiations have been progressing well and are almost concluded; and

WHEREAS, in accordance with the foregoing Recitals the purpose of this Amendment Number Nine (9) is to extend the subject Agreement through February 28, 2022, or until the second long-term agreement is in effect, whichever comes first.

NOW THEREFORE, in consideration of the above-recited premises, together with the mutual covenants herein contained, and for other good consideration, the receipt and sufficiency of which are acknowledged, the Parties to this Amendment agree as follows:

AMENDMENT

1. The term of the Agreement is hereby extended for a period of two (2) months and shall expire the earlier of February 28, 2022, or when the second long-term agreement is in effect.
2. The recycled water rate during the term of the Agreement shall be per rate code R682 as established by the District's Recycled Water Service Rates effective January 1, 2022.
3. All provisions of the Agreement, except as modified by this Amendment, remain in full force and effect, and are reaffirmed. Other than as stated herein, this Amendment does not operate as a waiver of any condition or obligation imposed on the Parties under the Agreement.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed as of the date first above written.

EASTERN MUNICIPAL WATER DISTRICT

By: _____
Joe Mouawad, P.E., General Manager

Dated: _____

STATE OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

By: Chris Hayes for
Leslie MacNair, Regional Manager, Region 6

Dated: 12-22-21